

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

In the Matter of)
)
Amendment of Section 73.202(b),) RM _____
Table of Assignments)
FM Broadcast Stations)
Chatom, Alabama)

RECEIVED
APR 17 1995
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

To: The Commission

PETITION FOR RULE MAKING

Creek Indian Enterprises, dba PCI Communications ("CIE"), by its attorneys and pursuant to Section 1.401 of the Commission's rules, hereby requests that the Commission modify the allotment of Channel 291C3 at Chatom, Alabama, to change the geographic coordinates and reflect a site restriction.

In support of such request, CIE states as follows:

1. CIE is a tribally chartered corporation registered with the State of Alabama. The owners of CIE are all 2,023 members of the Poarch Band of Creek Indians, which is a federally recognized Indian tribe. CIE is the licensee of FM station WYDH, Atmore, Alabama, which operates on Channel 290A. The original application for the authorization for WYDH was filed in 1989 and specified a directional FM antenna in order to comply with the spacing requirements of Section 73.215 of the Commission's rules. The use of a directional antenna by WYDH protects the Chatom, Alabama allotment.

2. By this petition, CIE now requests that the Commission modify the Chatom, Alabama allotment to reflect a site restriction that would provide that the transmitter be located at least 21.3 kilometers north-northeast of Chatom at coordinates N31 37 24 and W88 08 14. As indicated in the attached Technical Statement, which has been prepared by Graham Brock, Inc.,

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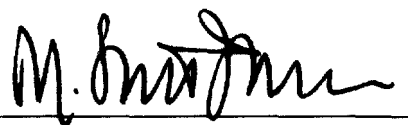
this site restriction will allow WYDH to increase its power in the direction of Chatom and improve its service to its community without violating the minimum distance separation requirements of Section 73.207(b)(1) of the Commission's rules.


3. While there was previously a construction permit issued for Channel 291C3 at Chatom, it is currently vacant. On March 14, 1995, the FCC opened a window inviting interested parties to file applications for the vacant allotment by April 17, 1995. Accordingly, this petition is filed prior to the closing of the window.

WHEREFORE, for the foregoing reasons, Creek Indian Enterprises dba PCI Communications respectfully requests that the Commission issue a Petition for Rule Making to modify the allotment of Channel 291C3 at Chatom, Alabama, to change the geographic coordinates and to reflect a site restriction.

Respectfully submitted,

**CREEK INDIAN ENTERPRISES
dba PCI COMMUNICATIONS**

By: 
M. Scott Johnson

By: 
Lauren S. Drake

Its Attorneys

GARDNER, CARTON & DOUGLAS
1301 K Street, N.W.
Suite 900, East Tower
Washington, D.C. 20005
(202) 408-7100

Dated: April 17, 1995

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

**PETITION FOR RELEASE
FBI COMMUNICATIONS, INC.
CHANNEL COORDINATES
CHANNEL 291C3
CHATHAM, ALABAMA
April 1995**

TECHNICAL EXHIBIT

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PETITION FOR RULING
PCI COMMUNICATIONS, INC.
CHANGE REFERENCE COORDINATES
CHANNEL 291C3
CHATOM, ALABAMA
April 1995

TECHNICAL STATEMENT

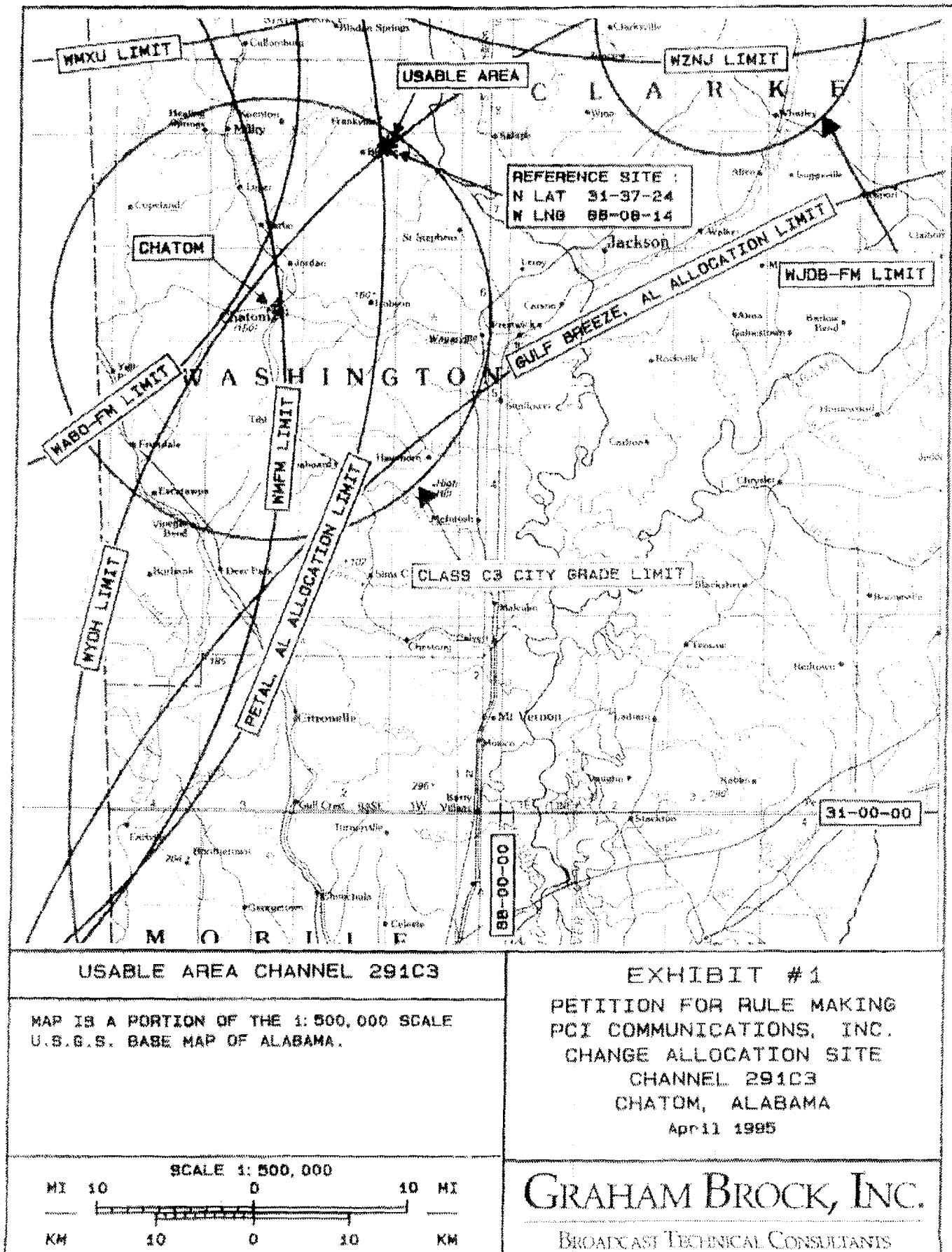
1. This Technical Statement and the attached exhibits were prepared on behalf of PCI Communications, Inc. ("PCI"), licensee of radio station WYDH, Channel 290A, Atmore, Alabama. PCI herein requests the Commission make a minor change in the geographic reference coordinates for the vacant allotment of Channel 291C3 at Chatom, Alabama. Presently the window for filing applications for this channel is open.¹

2. Channel 291C3 at Chatom has a shortspace with the authorized facilities of WYDH, Channel 290A, Atmore, Alabama. This shortage occurred when WYDH commenced operation on Channel 290A at Atmore. PCI sought and received \$73.215 processing for WYDH with respect to the allocation at Chatom, as well as the three applicants who had formerly applied for the facility. PCI herein requests the reference coordinates for Chatom be relocated in order to allow WYDH's \$73.215 processing toward this allocation to be removed. Presently WYDH limits power in the direction of Chatom to address this shortspaced situation. The relocation of the coordinates, as outlined below, will enable WYDH to increase to full 6.0 kilowatt power in the direction of Chatom.

1) This is the second time a window has been opened for the Chatom, Alabama, allocation.

3. Channel 291C3 can be relocated to reference coordinates North Latitude 31° 37' 24" and West Longitude 88° 08' 14". This represents a site restriction of 21.3 kilometers north-northeast of Chatom in order to avoid shortspacing WYDH, Channel 290A, Atmore, and the vacant allotment of Channel 292C3 at Petal, Mississippi. Exhibit #1 is a usable area which denotes where Channel 291C3 can be located to provide service to Chatom, Alabama. Exhibit #2 is a \$73.207 spacing study which demonstrates that Channel 291C3 at the proposed reference site meets the Commission's minimum distance separation requirements to all licensed, applied for or processed facilities. Therefore, PCI respectfully requests the Commission change the geographic coordinates for Channel 291C3 at Chatom as indicated above.

4. The foregoing Technical Statement and the attached exhibits were prepared on behalf of PCI Communications, Inc., by Graham Brock, Inc., its Technical Consultants. All information contained herein is true and accurate to the best of our belief and knowledge. All information relating to FM facilities was extracted from the NTIA database as updated on February 24, 1995. We assume no liability for omissions or errors in that database which may be adverse to the requests contained herein.



ALLOCATION STUDY FOR CHANNEL 291C3 CHATON, ALABAMA
USING PROPOSED ALLOCATION REFERENCE SITE

REFERENCE	CLASS C3	DISPLAY DATES
31 37 24 M	Current rules spacings	DATA 02-24-95
88 08 14 W	CHANNEL 291 -106.1 MHz	SEARCH 04-15-95

CALL TYPE	CH# LAT	CITY LNC	STATE PWR	BEAR HT	D-KM D-MI	R-KM R-MI	MARGIN (KM)

AL OPEN	291C3	Chaton	AL	167.4	5.82	153.0	-147.18
AL	M 31 34 26	88 07 26	0.000 kW	OM	3.6	95.1	
>Effective 11-30-89							
WYDR	290A	Atmore	AL	140.1	89.04	89.0	0.04
LI ZCN	31 00 26	87 32 15	3.300 kW	136M	55.3	55.3	
PCI Communications, Inc. BLH-910521KA							
AL OPEN	292C3	Petal	MS	264.5	99.38	99.0	0.38
AL	M 31 32 00	89 10 44	0.000 kW	OM	61.8	61.5	
MM Docket #90-566							
>Effective 9-21-92 Reserved for WMPH							
WABOPH	288A	Waynesboro	MS	277.2	51.49	42.0	9.49
LI CN	31 40 48	88 40 34	3.000 kW	44M	32.0	26.1	
Martin Broadcasting Company BLH-5860							
WENJ	292A	Demopolis	AL	17.0	101.98	89.0	12.98
LI CN	32 30 08	87 49 07	3.000 kW	58M	63.4	55.3	
Southstar Communications Corp BLH-6836							
>to Channel 293C3 per MM Docket #87-451							
WMPH	292A	Petal	MS	255.2	102.45	89.0	13.45
LI CN	31 23 02	89 10 44	1.800 kW	122M	63.7	55.3	
Thomas William Hickman, III BLH-860121RG							
>to Amend to Channel 292C3 Per MM Docket #90-566							
WMPH.A	292A	Petal	MS	255.2	102.45	89.0	13.45
AP CN	31 23 02	89 10 44	4.200 kW	119M	63.7	55.3	
Thomas William Hickman, III BPH-9104031D							
>to Amend to Channel 292C3 Per MM Docket #90-566							
WMXU	291C2	Starkville	MS	345.4	101.58	177.0	14.58
LI CN	33 17 38	88 39 27	40.000 kW	153M	119.1	110.0	
Starkville Broadcasting Comp BLH-890131KA							
WJDBFM	293C3	Thomasville	AL	69.8	37.88	14.0	23.88
LI ZCN	31 44 25	87 45 43	9.600 kW	160M	23.5	8.7	
Griffin Broadcasting Corp BLH-940316KD							

CHANNEL 291C3 ALLOCATION STUDY

EXHIBIT #2
PETITION FOR RULE MAKING
PCI COMMUNICATIONS, INC.
CHANGE ALLOCATION SITE
CHANNEL 291C3
CHATON, ALABAMA
April 1995

GRAHAM BROCK, INC.

BROADCAST TECHNICAL CONSULTANTS

AFFIDAVIT AND QUALIFICATIONS OF CONSULTANT

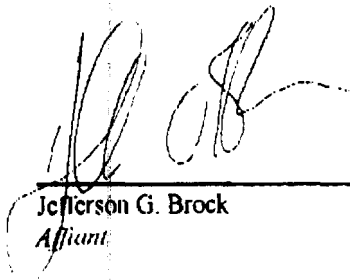
State of Georgia)
St. Simons Island) ss:
County of Glynn)

JEFFERSON G. BROCK, being duly sworn, deposes and says that he is an officer of Graham Brock, Inc. Graham Brock has been engaged by PCI Communications, Inc., licensee of Radio Station WYDL, to prepare the attached Technical Exhibit.

His qualifications are a matter of record before the Federal Communications Commission. He has been active in Broadcast Engineering since 1979.


The attached report was either prepared by him or under his direction and all material and exhibits attached hereto are believed to be true and correct.

This the 17th day of April, 1995.



Jefferson G. Brock
Affiant

Sworn to and subscribed before me
this the 17th day of April, 1995

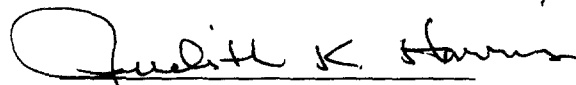


Notary Public, State of Georgia
My Commission Expires: September 8, 1995

CERTIFICATE OF SERVICE

I, Judith K. Harris, a secretary in the law firm of Gardner, Carton & Douglas, certify that I have this 17th day of April, 1995, caused to be sent by first-class U.S. mail, postage-prepaid, a copy of the foregoing Petition for Rule Making to the following:

John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2033 M Street, N.W., Room 8322
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Judith K. Harris", written over a horizontal line.

Judith K. Harris